

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

Case Number:

V.

11-MJ-13-ASS

JUAN CARLOS FIGUEROA-ALVARADO

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 30, 2010, in Scott County, in the State and District of Minnesota, defendant(s)

an alien, who had previously been removed on July 12, 2006, subsequent to a conviction for an aggravated felony, namely, Robbery in the third degree, in the State of Oregon on September 27, 2005, knowingly and unlawfully was found in the United States without obtaining permission from the Attorney General or the Secretary of Homeland Security to re-apply for admission into the United States,

in violation of Title 8, United States Code, Section(s) 1326(a) and 1326(b)(2).

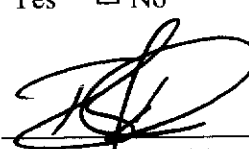
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

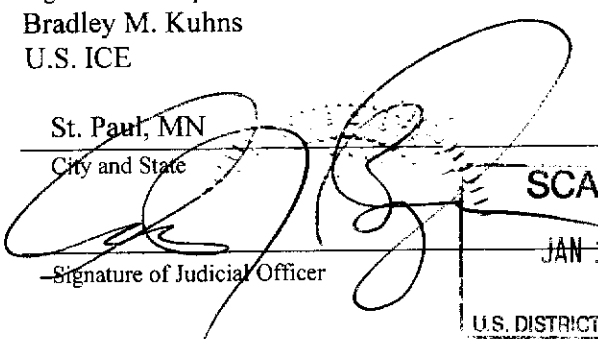
Sworn to before me, and subscribed in my presence,

Date January 10, 2011
The Honorable Arthur J. Boylan
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

at


Signature of Complainant
Bradley M. Kuhns
U.S. ICE

St. Paul, MN
City and State


Signature of Judicial Officer

SCANNED

JAN 10 2011

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF Bradley M. Kuhns

Bradley M. Kuhns, being duly sworn, deposes and states as follows:


1. I have been employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS) since April 2007. In August 2009, I was promoted to Deportation Officer.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for reviewing alien files (commonly known as "A files") in connection with the detention and release of aliens in ICE custody.
3. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, on or about October 30, 2010, in Scott County, in the State and District of Minnesota, Juan Carlos FIGUEROA-Alvarado unlawfully reentered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and that FIGUEROA-Alvarado's removal was subsequent to a conviction for commission of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a)

and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. On October 29, 2010, FIGUEROA-Alvarado was arrested in Scott County, in the State and District of Minnesota, by members of the Shakopee Police Department. FIGUEROA-Alvarado was arrested for third degree assault, domestic assault and obstructing the legal process. FIGUEROA-Alvarado identified himself to Shakopee Police Officers as Juan Angel TORRES-Rivera.
6. On October 30, 2010, FIGUEROA-Alvarado was encountered in the Scott County Jail by an ICE Immigration Enforcement Agent while performing Criminal Alien Program duties. FIGUEROA-Alvarado was administratively interviewed to determine alienage and removability. FIGUEROA-Alvarado admitted to having entered the United States without inspection or admittance. On October 30, 2010, an ICE hold was placed on FIGUEROA-Alvarado. On December 17, 2010, FIGUEROA-Alvarado was turned over to ICE custody.
7. On September 27, 2005, FIGUEROA-Alvarado was convicted of the felony offense of robbery, in the Marion County Circuit Court, at Salem, Oregon in violation of Oregon State Statute 164.395. On September 27, 2005, FIGUEROA-Alvarado was sentenced to 13 months imprisonment.
8. FIGUEROA-Alvarado's immigration file indicates that he has been previously arrested and removed from the United States on at least two occasions. On March 13, 1997, FIGUEROA-Alvarado was removed from the United States to El Salvador at the Los Angeles, CA Port of Entry. On July 12, 2006, FIGUEROA-Alvarado was removed from the United States to El Salvador at the Chandler, Arizona Port of

Entry.

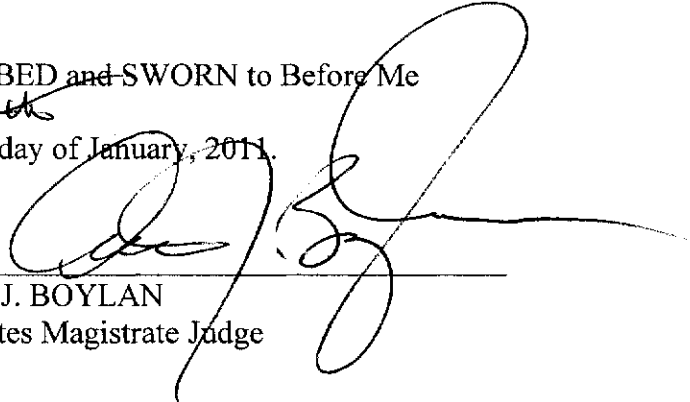
9. Law enforcement has confirmed through fingerprints contained in FIGUEROA-Alvarado's criminal history and immigration file that the individual named Juan Carlos FIGUEROA-Alvarado; AKA Juan Angel TORRES-Rivera, referenced in those records is, in fact, the same person who is currently in ICE custody and was encountered on October 29, 2010, by the Shakopee Police Department.
10. My investigation has revealed that FIGUEROA-Alvarado is a citizen and national of El Salvador who makes no claim to United States citizenship or lawful permanent residence status in the United States.
11. FIGUEROA-Alvarado has admitted that since his removal from the United States on July 12, 2006, that he reentered the United States without applying for, nor receiving, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative. My investigation has revealed that since his removal from the United States on July 12, 2006, FIGUEROA-Alvarado has not applied for, nor received, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.
12. Based on these facts, I have reason to believe that Juan Carlos FIGUEROA-Alvarado unlawfully reentered and was found in the United States after removal, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557. Further Your Affiant Sayeth Not.



Bradley M. Kuhns, Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 10th day of January, 2011.



ARTHUR J. BOYLAN
United States Magistrate Judge